



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

quenchable human aspiration, the love of liberty and self-government, based largely, whether consciously or not, in the faith that the legitimate interests of the individual are not only perfectly compatible with the good of all, but will in the long run receive a degree of stable support, if the masses are actually in control of their own affairs, which cannot be otherwise attained.

The plan and arrangement of the book may be briefly outlined as follows. At the outset attention is called to the popular assembly or folk-moot as "one of the conspicuous features of the public life of early Aryan peoples." The author then rapidly traces the survivals of law-making by such assemblies through the centuries up to the time of the Reformation, when he shows the great impetus given the institution through the church covenants of that time. After having thus taken firm root in Great Britain, popular ratification of public law became a more or less clearly developed principle in all the American colonies, particularly in New England, where a pure democracy was realized and has been retained in the town meetings. This takes up the first third of the book. Considerably more space still is there devoted to a survey of popular constitution-making in the United States, and the remainder of the book, about a sixth of it, is given up to a very condensed account of popular participation in ordinary law-making both in the United States and elsewhere, including the Scandinavian countries, France, Italy, Latin America, and Australia. The experience of the last fifty years in Switzerland is practically ignored, for the somewhat astonishing reason that "it could not be adequately treated in less than a volume and no review of it will be attempted here." However this may be, one cannot help wishing something of it might have been included, or that Professor Lobingier may some time favor us with the special volume which it may be agreed it deserves.

There is a copious bibliography, but among the works on Switzerland one notes at once the omission of the works of Keller, Th. Curti, and Stüssi.

A reader wishing to get the gist of the work may well read the chapter (chap. xxvi) recapitulating the result of popular constitution-making in the United States. Objections often offered by theorists to such practices are there crushingly answered — and more yet might be added from some of the most recent American methods of acquainting voters with the merits of measures submitted to them. Few readers would, however, lay down the book on concluding this chapter. There is much to tempt and repay them, both in the chapters preceding this fine summary and in the subsequent chapters.

In conclusion it may simply be reasserted that this work is one of great value and encouragement to the lover of American traditions and ideals who wishes to see them advance to a more perfect fruition. It should be carefully read by any student of the modern tendency toward direct legislation.

L. J. J.

GENERAL THEORY OF LAW. By N. M. Korkunov. Translated by W. G. Hastings. Boston: The Boston Book Company. 1909. pp. xiv, 524.

The title is somewhat misleading. A large part of this book is given up to the history of conceptions of law, before the author evolves the theory satisfactory to him and proceeds with its application.

The student at the usual American law school, and of course the lawyer in practice, consider specific laws in their application to actual cases, and are not usually led to concern themselves very deeply with any preliminary philosophical "whys" and "wherefores." Sometimes, however, when student or lawyer has reduced some principle apparently to its lowest terms, he finds himself brought face to face with premises, assumed as axioms for the usual purposes of his discussion, which yet do not seem wholly satisfactory. In the first book of this work, under the heading "Conceptions of the Law," theories as to the

fundamental nature of law, adopted by various writers, are considered in their logical and historical aspects. The point of view is broad and undidactic. In the rapidity and clearness of this analysis lies, as it seems to the reviewer, the greatest value of the "General Theory of Law." Although the reader is introduced to writers on legal theory, some of whom must be known only by name, if at all, he discovers that many of their doctrines have a familiar ring in his ears. Some of these doctrines he may find that he has himself unconsciously adopted. To know what place they occupy in the history of legal theory cannot fail to be valuable and interesting; it may also be surprising, and not wholly gratifying.

So far as a definition of law can be contained in a phrase, the one at which the author eventually arrives in the course of his historical discussion is that law is the "delimitation of interests." In the second and third books are treated such large social forces as enter into this delimitation. Since the greater part of the author's concern is with the elements which determine the rules, rather than with the interests themselves, the student or lawyer trained in specific instances feels in his footing a little unsteadiness, which is not diminished by the fact that many of the illustrative examples — and their entire number is not too numerous — are unfamiliar.

The last book, entitled "Positive Law," contains more of the sort of material included in the usual works on "Jurisprudence," — how actual legal conditions meet the test of theory. Since a Russian is the author, and the book is for Russian students in the first place, particular attention is naturally paid to Russian law.

Whether or not the author is followed in all his surprisingly ingenious theories, the reader will find many detached paragraphs and statements most stimulating to his imagination. For example, when the author, in pointing out the line of demarcation between morality and law, says: "Morality furnishes the criterion for the proper evaluation of our interests; law makes out the limits within which they ought to be confined. To analyze out a criterion for the evaluation of our interests is the function of morality; to settle the principles of the reciprocal delimitation of one's own and other people's interests is the function of law."

The translator's task has obviously been an exceedingly difficult one. Much of the literature of legal theory has been in foreign tongues. Many words and phrases have acquired a technical meaning, which cannot be reproduced by literal translation. Professor Korkunov has not confined himself to Russian for his vocabulary. The equivalents adopted by Professor Hastings, though sometimes strained and unusual, are not lengthy paraphrases. For this reason, and because the labor of the translator seems to have been a labor of love, the text is easy and pleasant to read, and does not exhaust the attention.

A. T. W.

A MANUAL OF MEDICAL JURISPRUDENCE. By Marshall D. Ewell. Second Edition. Boston: Little, Brown, and Company. 1909. pp. x, 407.

In this book, the first edition of which was published in 1887, the author presents a general survey of the field of medical jurisprudence. The leading topics of the science are treated with a reasonable degree of completeness, excepting only the topics of insanity and toxicology. Of these only outlines are attempted on account of lack of space. The author states principles clearly and develops them with sufficient fullness to make the book useful as an introduction to the subject or as a means of review. Except as an introduction, an attorney might have little occasion to use it; for in the trial of cases depending on matters connected with medicine or surgery, he would often want a fuller treatment of the special branch involved, while the legal information is of rather a general nature.